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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,724	09/04/2003	Kenzou Kassai	4569	4790

21553 7590 11/17/2004
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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,724

Applicant(s)

KASSAI ET AL.

Examiner

Hau V Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/4/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/4/2003 has been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kassai (4,435,012).**

Kassai in figures 1-25, discloses a baby carriage which can be changed to a form of a chair state in which a backrest portion and a head protection part positioned above the backrest portion extend on the same plane, or to a form of a bed state in which the head protection part rises upward from the backrest portion. The baby carriage comprises a body frame, a backside support (121) connected to the body frame so as to

reclinably support the backrest portion from the backside and a guard member (109) of a rigid structure. The guard member has an inverted U shape as a whole in which both ends thereof are rotatably connected to the body frame and a central portion thereof extending in the width direction, which is positioned along a back surface of the head protection part in both the forms of the chair state and the bed state.

Regarding claim 2, Kassai disclose the body frame including a seating surface support member and a pair of longitudinal side frame members upwardly extending from both sides at a rear end region of the seating surface support member, and both ends of the guard member, which are roatably connected to the pair of longitudinal side frame members (as shown in figure 1).

Regarding claim 3, Kassai disclose a seat hammock including a seating surface sheet portion extending on the seat surface support member and a backrest sheet portion, which is connected to a rear edge of the seating surface support member and extends between the pair of longitudinal side frame members (as shown in figures 3-5). Kassai also discloses a guard-connecting member for connecting a backside of the upper region of the backrest sheet portion which is to be the head protection part to the central portion of the guard member, wherein the backside support reclinably supports the backrest sheet portion from the backside (as shown in figures 3-6).

Regarding claim 4, Kassai disclose the backside support including a backside string member extending along the whole length of the backside of the backrest sheet portion in the width direction and having both ends connected to the pair of longitudinal frame members (see figure 1).

Regarding claim 5, Kassai disclose a push rod having lower ends rotatably connected to the body frame so as to be changed to be in a backside pushing state or to be in a face-to-face pushing state (see figure 2).

Regarding claim 6, Kassai disclose the guard member including a pair of side bars having end portions rotatably connected to the body frame and a lateral bar having both ends connected to the pair of side bars, and the lateral bar has a flat configuration (notice, a portion of a cylinder can be called flat, because the claim recites a flat configuration not entire lateral bar) which is long in the extending direction of the side bars.

Regarding claim 9, Kassai disclose the baby carriage having a structure in which a pair of front wheels and a pair of rear wheels, which are folded so as to come near back and forth and around (Notice, no structure to support the claim language. Therefore, as broadly recite Kassai baby carriage meet the claim limitation).

Allowable Subject Matter

5. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakao et al. disclose a reclining mechanism of baby carriage,

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Cheng discloses a front seat reversing structure, Suzuki discloses a stroller and Cabagnero discloses a foldable baby carriage frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau Phan
11/4/04

Hau V Phan
Examiner
Art Unit 3618

HAU PHAN
PATENT EXAMINER